

MINUTES

ALCOHOL AND TOBACCO COMMISSION

MARCH 2, 2010

CALL TO ORDER/NOTING OF QUORUM

Chairman Snow called the meeting to order and noted the quorum and the attendance. Present were Vice Chairman Johnson, Commissioner Guthrie and Commissioner Sturtz. Major Poindexter and Executive Secretary Dunsmore were also in attendance.

Grant Monahan, Nicole Upano, Connie Vickery, Marc Carmichael, Mark Webb, C. Tooman, and Jim Purucker were present as observers.

DISPOSITION OF MINUTES

Commissioner Sturtz moved to approve the minutes that were submitted for the February 16, 2010 meeting. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

PAD FORMS – Vice Chairman Johnson moved to approve the parties agreed disposition forms that were submitted for the March 2, 2010 meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

CONSIDERATION OF APPLICATIONS

Commissioner Guthrie stated approximately 58 permit applications were tabled at the last two Commission meetings, due to the pending litigation regarding new dealer permits. Commissioner Guthrie moved to take these applications off the table and consider them at today's meeting. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

Commissioner Sturtz moved to approve and incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission. Motion seconded by Commissioner Guthrie and it was unanimously approved.

Commissioner Sturtz moved to approve and incorporate by reference these lists of permit applications for a new permit, which includes the tabled applications, or applications for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners. Motion seconded by Commissioner Guthrie and it was unanimously approved.

Commissioner Sturtz moved to approve and incorporate by reference these lists of permit applications for catering. Motion seconded by Commissioner Guthrie and it was unanimously approved.

Commissioner Sturtz moved to approve and incorporate by reference these lists of permits to be placed in escrow for not more than five years, which have been reviewed and recommended by a Commissioner as appropriate for escrow. Motion seconded by Commissioner Guthrie and it was unanimously approved.

Two hundred forty-two (242) renewals approved, eight-two (82) new and/or transfer permits approved, eight (8) permits approved for catering, four (4) permits approved for first year escrow, two (2) permits approved for second year escrow, one (1) permit approved for third year escrow, three (3) permits approved for fourth year escrow and one (1) permit approved for fifth year escrow.

RENEWAL LETTERS AND WAIVER OF FEES

Vice Chairman Johnson moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Commissioner Sturtz and it was unanimously approved.

APPLICATIONS FOR DISCUSSION

RR06-26519 & 26520 OCCSIONS DIVINE, LLC, D/B/A SERENITY – Vice Chairman Johnson noted this is a new type 103 and a new type 210-1 application with the local board voting two (2) to one (1) to approve.

Vice Chairman Johnson stated the dissenting vote was from the Excise officer who sits on the board. The officer provided information regarding problems with this permittee serving alcoholic beverages prior to receiving an alcoholic beverage permit. The Vice Chairman also stated this applicant has been charged with criminal offenses directly related to this business that is seeking a permit.

Vice Chairman Johnson moved to remand this application to the local board for reinvestigation. Motion seconded by Commissioner Guthrie and it was unanimously approved.

DL38-26605 WALGREEN CO – Commissioner Guthrie noted this is a new type 208 with the local board voting two (2) to zero (0).

Commissioner Guthrie stated there was a quorum present, but one member abstained from voting. He also stated there were no remonstrators present and no evidence presented against this application.

Commissioner Guthrie moved to approve the application for a new permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

DL01-26604 WALGREEN CO – Commissioner Guthrie noted this is a new type 208 with the local board voting four (4) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the new permit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

DL65-26490 NY PETROLEUM, INC. – Commissioner Guthrie noted this is a new type 115 application with the local board voting four (4) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the new permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR45-20972 J & J ENTERTAINMENT GROUP, INC. – Commissioner Guthrie noted this permittee is requesting 6th year escrow. The trustee involved stated there is a buyer for the permit and that buyer assures the Commission that if escrow is approved, the business will be open and operating within 90 days.

Commissioner Guthrie moved to approve the extra year of escrow. Motion seconded by Commissioner Sturtz and it was unanimously approved.

INACTIVE FILES

INACTIVE FILES – Vice Chairman Johnson moved to make seventeen (17) permits inactive. All seventeen (17) permits are not subject to auction. Motion seconded by Commissioner Sturtz and it was unanimously approved.

OLD BUSINESS

No Old Business

NEW BUSINESS

EXECUTIVE SESSION MINUTES – Commissioner Guthrie moved to approve the minutes that were submitted for the Executive Session that was held on March 1, 2010. Motion seconded by Commissioner Sturtz and it was unanimously approved.

POLICY DETERMINATIONS

NEW BEER DEALER PERMIT NOTICE – Executive Secretary Dunsmore stated the Commission has determined that the current interpretation utilized for many years regarding the processing of new dealer permits will continue. One change will be the addition of a form that will become part of the application that notifies the applicant, and requires their signature, of the pending litigation regarding the quota for these types of permits and that depending upon the outcome of the lawsuit, the permit, at some time in the future, may be revoked.

Commissioner Guthrie moved to approve this new form/addition to the application process. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

ANNOUNCEMENTS

No Announcements

ADJOURNMENT

Commissioner Sturtz moved to adjourn the meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

Approved this _____ day of _____, 2010.

P. TOM SNOW, CHAIRMAN

DAVID JOHNSON, VICE CHAIR

DALE STURTZ, COMMISSIONER

FRANK GUTHRIE, COMMISSIONER